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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

6 Singh H. Sohal-Kulvinder,) No. CV 08-0129 PHX-NVW (MB)
7 Petitioner,)
8 v.) **ORDER**
9 Katrina S. Kane,)
10 Respondent.)
11 _____)
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17 Pending before the Court is the Report and Recommendation (“R&R”) of
18 Magistrate Judge Burns (Doc. # 13) regarding petitioner’s Petition for Writ of Habeas
19 Corpus filed pursuant to 28 U.S.C. § 2241 (Doc. # 1). The R&R recommends that the
20 Petition be denied. The Magistrate Judge advised the parties that they had ten days to file
21 objections to the R&R. (R&R at page 8 (citing 28 U.S.C. § 636(b))). Both parties filed
22 objections. (Doc. # 14, 15.) Respondent has filed a response to Petitioner’s Objection.
23 (Doc. # 16.)

24 The Court has considered the objections and reviewed the Report and
25 Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that
26 the court must make a de novo determination of those portions of the Report and
27 Recommendation to which specific objections are made). The Court agrees with the
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1 Magistrate Judge's determinations, accepts the recommended decision within the meaning
2 of Rule 72(b), Fed. R. Civ. P., and overrules the parties' objections. *See* 28 U.S.C. §
3 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in
4 part, the findings or recommendations made by the magistrate"). The Court notes that the
5 government has obtain new travel papers to Indian for Petitioner and he was due to have
6 traveled there August 26, 2008. (Doc. # 16 & Ech. 1.) If for any reason he has not
7 traveled, he cannot complaint about the government for it.

Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error may not be assigned to any defect in those rulings to the extent that an aggrieved party did not file a timely objection. Fed. R. Civ. P. 72(a) (“Within 10 days after being served with a copy of the magistrate judge’s order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge’s order to which objection was not timely made.”). The absence of a timely objection precludes later assignment of error in this court or in any higher court of the non-dispositive rulings of a magistrate judge. *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

IT IS THEREFORE ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. # 13) is accepted.

IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2251 (Doc. # 1). The Clerk shall terminate this action.

DATED this 2nd day of September, 2008.

Neil V. Wake
Neil V. Wake
United States District Judge